

Remarks

As a preliminary matter, upon review of the file, it is noted that the Examiner did not initial the reference "WO01/96104" on the Form PTO-1449 that was filed with the Disclosure Statement dated April 5, 2002. It is requested that the Examiner review and initial all of the references, including "WO01/96104", on the Form PTO-1449, a copy of which is enclosed for the Examiner's convenience, and return it to the undersigned attorney.

Claims 1-22 and 46-48 are pending and stand rejected. Claims 23-45 have been restricted and canceled, without prejudice or disclaimer.

§ 112 Rejection of Claims 1-22 and 46-48

Claims 1-22 and 46-48 stand rejected under 35 USC § 112, first paragraph, as failing to comply with the enable requirement. In particular, the Office Action states:

The specification fails to describe the non-metallic multi-layer optical film in such a manner that one of ordinary skill in the art would be enabled to duplicate it. On page 2, line 4, the film is described as an IR reflective film, which when the term was search, the resulting films included a metal layer not desired by the applicant, resulting in one of ordinary skill not being able to reproduce the invention from the specification.

Applicants' Response

Contrary to the statement made in the Office Action, the present specification does describe a non-metallic multilayer optical film in more than sufficient detail to enable the person of ordinary skill in the art to practice the claimed invention. For example, reference is made to page 13, lines 11-21, where a number of U.S. patents, PCT publications and a US patent application are incorporated by reference in their entirety. Each of these references discloses non-metallic multilayer optical films.

Therefore, the present specification is fully enabling as to claims 1-22 and 46-48. Accordingly, this § 112 rejection should be withdrawn.

§ 112 Rejection of Claim 17

Claim 17 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action states:

The phrase “wherein the peripheral edge of said optical film is a first peripheral edge and said optical film has a second peripheral edge located within the confines of the first peripheral edge” in claim 17 is unclear, which renders the claim vague and indefinite.

Applicants’ Response

It is respectfully submitted that the structure recited in claim 17 is not indefinite or vague, when read in light of the present specification. For example, as recited on page 3, lines 23-24, the second peripheral edge can be one or more holes formed through the optical film. Claim 17 has been amended accordingly. Therefore, this § 112 rejection should be withdrawn.

§ 102 Rejection of Claims 1-22 and 46-48

Claims 1-22 and 46-48 stand rejected under 35 USC § 102(e) as being anticipated by Frost et al. (U.S. Patent No. 6,352,754).

Applicants’ Response

As is noted in the Office Action, Frost et al teach cutting back the peripheral edge of a metallic IR reflective film so that it lies within the peripheral edge of, and is encapsulated by, the PVB bonding sheets used in their glazing laminate. The present optical film is expressly disclosed and claimed as being non-metallic. Therefore, Frost et al does not disclose, teach or suggest each element recited in the present claims. Accordingly, the §112 rejection of claims 1-22 and 46-48 should be withdrawn and the claim allowed.

Also noted by the Office Action, Frost et al teach the use of their cut-back technique in order to prevent corrosion of the peripheral edge of their metallic IR reflective film (Col. 1, lines 29-40 and 59-64). Because the present optical film is non-metallic, the corrosion concerns expressed by Frost et al would not motivate the person of ordinary skill to use such a cut-back technique with the optical film of the present invention.

In view of the above remarks, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested.

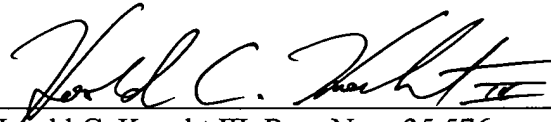
Allowance of claims 1-22 and 46-48 at an early date is solicited.

Respectfully submitted,

10/9/03

Date

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